

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

DOMINQUE ZAFIR CASEY,  
Plaintiff,  
v.  
SGT. BROWN, et al.,  
Defendants.

No. 1:23-cv-01068 JLT SAB (PC)

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND GRANTING  
DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT**

(Docs. 34, 37)

Plaintiff is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 28, 2025, the assigned magistrate judge issued findings and recommendations that Defendants' Motion for Summary Judgment be granted. (Doc. 37.) The magistrate judge reasoned that Defendants presented sufficient evidence to meet their burden of showing that there is no genuine issue of material fact because Plaintiff's excessive force claims are barred by his guilty plea in criminal court under *Heck v. Humphrey*, 512 U.S. 477 (1994). (*Id.* at 8.) The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 14 days. (Doc. 37 at 14.) The Court advised him that the "failure to file objections within the specified time may result in the waiver of rights on appeal." (*Id.*, citing *Wilkerson v.*

1 *Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the time to  
2 do so has passed.

3 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case.  
4 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations  
5 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 6 1. The findings and recommendations issued on August 28, 2025, (Doc. 37), are  
7 **ADOPTED IN FULL**.
- 8 2. Defendants' motion for summary judgment, (Doc. 34), is **GRANTED**.
- 9 3. Judgment is entered in Defendants' favor, and that the Clerk of Court is directed to  
10 close this case.

11  
12 IT IS SO ORDERED.

13 Dated: **September 22, 2025**

  
UNITED STATES DISTRICT JUDGE